THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.8219 OF 1997

DATED:24.01.2007

Between:

M. Ganapathi Rao
....Petitioner

AND

The District Co-operative Officer,
Kakinada, East Godavari District
and others ...
Respondents

THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.8219 of 1997

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ORDER:

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The writ petition is filed seeking a Mandamus declaring the impugned action of the 4th respondent in forcibly preventing the petitioner from discharging his duties and inaction on the part of respondents 1 and 2 in disposing of the representations made by him as arbitrary and illegal and violative of Article 14 and 21 of the Constitution of India.

It appears that the petitioner was appointed against an existing vacancy of Clerk in Goranta PACS, East Godavari District, by the then Managing Committee, after satisfying with the eligibility criteria and as per the resolution passed by the Society on 30.06.1992. After the completion of the term of the then Managing Committee, the present Managing Committee had taken over the Office and the President of the present society was quarrelling with the employees including the petitioner and was not allowing them to discharge their legitimate duties. The present President developed grouse against the Secretary of the society and also the petitioner when they refused to accede to the illegal requests made by him and started harassing the petitioner using filthy language, and ultimately, prevented him from attending to his duties. Hence, the

writ petition.

This Court, by way of interim order dated 18.06.1997, directed respondents 1 and 2 to allow the petitioner to discharge his duties by duly instructing the 4th respondent not to prevent him from discharging his duties until further orders.

The learned Government Pleader appearing for the respondents has placed before the Court proceedings purported to have been issued by the District Co-operative Office, Kakinada dated 23.07.1998 showing that the petitioner was reinstated into service on 03.07.1998 and he was paid the subsistence allowance. Further, in the counter-affidavit, it is stated that the petitioner has filed representations and the same were forwarded to the President of Goranta PACS, who is competent authority to deal with the matter.

There is no necessity of going into all the details, in view of the fact that the petitioner was already reinstated and the subsistence allowance was paid. But, no details are forthcoming as to why the petitioner was reinstated and subsistence allowance was paid as if he was suspended from the service. However, for any reason, if the petitioner is suspended from service, the payment of subsistence allowance cannot be said to be unreasonable. If the petitioner was not suspended and he was reinstated in pursuance of the interim order passed by this Court and the subsistence allowances were paid, he is at liberty to work out his remedies as

available under law for the purpose of recovery of full salary for the period for which he was prevented from functioning as clerk of the society.

With the above observation, the writ petition is disposed of. No order as to costs.

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24th January, 2007

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